

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JOHN F. BOYLE,)	
)	
Petitioner,)	
)	
v.)	Civil Action No. 05-1321
)	Chief Judge Ambrose
FRANKLIN J. TENNIS, et al.,)	Magistrate Judge Caiazza
)	
)	
Respondents.)	

MEMORANDUM ORDER

John F. Boyle's Petition for Writ of Habeas Corpus was received by the Clerk of Court on September 21, 2005 and was referred to United States Magistrate Judge Francis X. Caiazza for Report and Recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

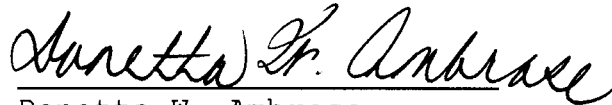
The magistrate judge's Report and Recommendation, filed on July 11, 2006, recommended that the Petition for Writ of Habeas Corpus filed by John F. Boyle pursuant to the provisions of 28 U.S.C. § 2254 be dismissed and that a Certificate of Appealability be denied. The parties were allowed ten (10) days from the date of service to file objections. Service was made on the Petitioner by First Class United States Mail and on Respondents. Objections were filed by the Petitioner on July 20, 2006. After de novo review of the pleadings and documents in the

case, together with the Report and Recommendation and objections thereto, the following order is entered:

AND NOW, this 31st day of July, 2006;

IT IS HEREBY ORDERED that the Petition for a Writ of Habeas Corpus is **DISMISSED** and that a certificate of appealability is **DENIED**.

The Report and Recommendation of Magistrate Judge Caiazza, dated July 11, 2006, is adopted as the opinion of the court.



Donetta W. Ambrose
Chief U.S. District Court Judge

cc:
Francis X. Caiazza
U.S. Magistrate Judge

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Rebecca D. Spangler, Asst D.A.